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Consideration of reports submitted by parties to the Convention under article 35

List of issues in relation to the initial report of Bulgaria

Addendum

Replies of Bulgaria to the list of issues*, **

[Date received: 29 May 2018]

* The present document is being issued without formal editing.

** The annexes are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of Persons with Disabilities.

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A. Purpose and general obligations

Response to issues raised in paragraph 1 of the list of issues (CRPD/C/BGR/Q/1)

1. One of the strategic objectives of the Action Plan of the Republic of Bulgaria for the implementation of the Convention on the Rights of Persons with Disabilities (2015–2020) is to ratify the Optional Protocol to the Convention. The adoption of its official translation into the Bulgarian language is forthcoming. Consultations on these matters continue to be carried out and the deadline for the ratification of the Optional Protocol is 2020.

Response to issues raised in paragraph 2 of the list of issues

2. The prohibition of discrimination is embedded in the Protection against Discrimination Act (PADA), as well as in other specialised laws, including the Integration of Persons with Disabilities Act.

3. Protection from discrimination based on disability is one of the founding principles of the protection of human rights, and the prohibition of either direct or indirect discrimination is formulated in art. 4 (1) of the PADA. Moreover, in art. 9 of PADA a special rule is being established which lightens the burden of proof required from the plaintiffs in anti-discrimination legal proceedings, including persons with disabilities. The Republic of Bulgaria has established effective legal and institutional mechanisms in relation to the promotion and protection of fundamental human rights, free from any disability-based discrimination.

Response to issues raised in paragraph 3 of the list of issues

4. The General Comments of the UN Committee on the Rights of Persons with Disabilities have been brought to the attention of the Expert Working Group for coordination of the implementation of Action plan mentioned above. It involves representatives of all responsible institutions, social partners, non-governmental organisations, and persons with disabilities, and is tasked with coordinating the implementation of the action plan.

Response to issues raised in paragraph 4 of the list of issues

5. To align Bulgarian legislation in its entirety to the requirements of the Convention is a lengthy process, which is phased in gradually, in accordance with existing action plans. Under the first action plan, concepts were formulated under some of the Convention's articles, which resulted in certain legal amendments.

6. Under the second action plan, every responsible institution is performing an analysis of the relevant laws, with a view to proposing any necessary legal amendments within the assigned timeframe.

7. The Expert Working Group for coordination of the implementation of Action plan set up in early 2018 has been assigned with drafting of a new Persons with Disabilities Act in accordance with the requirements of the CRPD. The bill will align the definitions of "disability" and "persons with disabilities" with the requirements of CRPD.

Response to issues raised in paragraph 5 of the list of issues

8. The approved Concept on the implementation of the Provisions of Art. 9 of the Convention proposes the embedding in detail of the concepts of "universal design" and "reasonable facilities" into the Integration of Persons with Disabilities Act and their application to the accessibility of the built environment. This will harmonise their applicability in terms of both design and construction, and will consider the need for any additional requirements.

9. Under the Radio and Television Act, providers of audio-visual media services are encouraged to ensure that their services are gradually made available to persons with visually and hearing impairments. Radio service providers are encouraged to provide

appropriate programmes and broadcasts accessible to persons with sensory impairments. National public service providers must ensure through their services that persons with disabilities avail themselves fully of all their rights by providing such persons within a programming area with information in an accessible format and by means of technologies suitable for the different types of disability.

Response to issues raised in paragraph 6 of the list of issues

10. The first action plan for the implementation of the CRPD for the period 2013–2014 was adopted in 2012, and a report on its implementation was adopted in 2015.

11. A second action plan was adopted in 2015. The plan covers objectives and activities not realised during the period of validity of the previous plan, as well as activities and measures which are a logical extension of the existing concepts concerning proposals for regulatory amendments. The plan contains six priorities aimed at improving the quality of life and the social inclusion of persons with disabilities. Measures are mapped out for the elaboration of concepts under the individual articles of the Convention, including proposals for regulatory amendments by the competent institutions. Also involved are national representative organisations of and for persons with disabilities, which are part of the National Council for the Integration of Persons with Disabilities.

12. A working group of experts has been tasked with the coordination of the action plan's implementation and the reviewing of the proposed changes to concepts and legislation.

13. Within the context of the Convention, the Council of Ministers adopted in 2016 a long-term national strategy for persons with disabilities for the period 2016–2020, which formulates the priority objectives and measures aimed at improving the quality of life of persons with disabilities, combating disability-based discrimination, and ensuring their full-fledged and active participation in all areas of public life alongside respect for their rights in all policies.

14. The vision of the national strategy is for Bulgaria to provide conditions and opportunities for the gradual achievement of the objectives and principles of the Convention, as a guarantee for a full-fledged and discrimination-free participation by persons with disabilities in the exercise of their fundamental rights. The key policy priorities for the period up to 2020 are to ensure their access to accommodation, transport and transport services, information and communications; access to and inclusion of each child in the education system and the provision of opportunities for lifelong learning; effective access to quality health care; suitable working and employment conditions; adequate support for life in the community; access to sports, recreation, tourism and participation in cultural affairs.

15. A new law on pre-school and school education came into force on 1 August 2016, supplemented with a new ordinance, which also came in force in August 2015, thus amending Ordinance № 1 of 23.01.2009 on the training of children and students with special educational needs and/or with chronic diseases.

16. The Ministry of Education and Science has been working on the project "Support for equal access and personal development" under the Operational Programme "Science and Education for Smart Growth" 2014–2020. The project builds on the positive experience in this field gained within the framework of the "Inclusive Learning" project under the Operational Programme Human Resources Development (OPHRD).

17. In 2016, a concept was adopted for the application of the provisions of Art. 9 "Accessibility" of the CRPD in terms of an improved access to the social environment.

18. A working group was established to develop a concept in relation to the implementation of Art. 20 "Personal Mobility".

B. Specific rights

Response to issues raised in paragraph 7 of the list of issues

19. In addition to court proceedings, persons with disabilities who are victims of discrimination are also legally entitled to lodge a complaint or alert to the Commission for Protection against Discrimination (CPD). In defending any natural person on the country's territory, the Commission provides access to a simplified procedure in the form of free legal and administrative assistance.

20. Between 2013 and 2017, the Commission opened proceedings in 454 cases on grounds of disability-related discrimination. Not only can family members of persons with disabilities alert the Commission, but they can also be involved as plaintiffs on the merit of their relationship to the aggrieved party with a disability.

21. The PADA requires a lighter-that-usual burden of proof from the plaintiffs in anti-discrimination legal proceedings, including persons with disabilities.

22. The powers of the Ombudsman allow it to also deal with complaints concerning inequality through mediation, recommendations or by issuing positions.

Response to issues raised in paragraph 8 of the list of issues

23. According to the Agency for Persons with Disabilities (APD), at the end of 2017, in the Republic of Bulgaria there were some 360,000 women with disabilities and 141,000 of them are in working age. APD-run employment and social inclusion programmes are free of any gender-based discrimination with regard to persons with disabilities. One popular programme cares for the financing of start-ups launched by persons with disabilities, and has been running since 2009. Out of the 373 projects financed after 2006, 43 % are run by women with disabilities.

24. The year 2016 saw the adoption of the Gender Equality Act and the adoption of a new National Strategy to promote equality between women and men with a horizon until 2020. The annual national action plans on the implementation of the strategy incorporate concrete measures in the field of integration of persons with disabilities, particularly for women with disabilities, namely:

- To encourage employers to ensure equal access in the hiring of women and men with permanent disabilities in a specialised working environment under the active APD policies programmes;
- To encourage employers to ensure equal access in the hiring of women and men with permanent disabilities in the mainstream working environment under an APD programme for access, adaptation and workplace facilities for persons with permanent disability;
- To attract women with permanent disabilities to join the APD start-ups (entrepreneurial) programme.

Response to issues raised in paragraph 9 of the list of issues

25. Under the National Strategy, a coherent policy is being implemented on the deinstitutionalisation of childcare and has resulted in a 50% increase in the number of children being raised within a family, plus a nearly three-fold growth in child-oriented social services. Children with disabilities are a separate priority within the deinstitutionalisation process. During the first phase all children and adolescents with disabilities were taken out of the institutions and now use the newly-created innovative resident services by the centre for family-type residences or protected housing for children with disabilities in need of constant medical care.

26. In 2016, the Council of Ministers adopted an updated action plan for implementation of the National Strategy "Vision for deinstitutionalisation of children in the Republic of Bulgaria", which outlines steps and measures for the continuation and finalisation of the process up to 2025. The underlying principle that the family is the best environment for the

upbringing and development of each child remains the main driving force of the reform in the area of support for children and families and the ongoing process of deinstitutionalisation. All specialized institutions for children are to be closed down. Children up to the age of three will no longer be placed in residential care, which will be directed exclusively towards children in need of special attention and targeted care, such as children with disabilities who need constant medical care.

27. The updated plan focuses on six main groups of measures, part of which are aimed at providing social and integrated services for early intervention and prevention, including risk prevention, within a family environment. Special emphasis has been placed on measures to provide social, medical and integrated medico-social services for children with disabilities. The necessary infrastructure will also be put in place (see **Annex 1**).

28. There are plans to expand the services for early intervention in cases of disability and to provide individual tutoring to children with disabilities nationwide by upgrading the activities in the day care centres and the centres for social rehabilitation of children with disabilities through the "Early disability intervention" and "Individual tutoring to children with disabilities" programmes. A new model is being developed for the provision of integrated early-childhood development services by pooling the social, medical and educational aspects into a single service.

29. As an independent monitoring body for the protection of children's rights, the office of the Ombudsman will continue to allot special attention to the process of deinstitutionalisation of childcare through the National Strategy. The monitoring is in the form of planned inspections of the national preventive mechanism in the resident services for children and in the specialised institutions. Each inspection is followed by a report containing the necessary recommendations.

30. Deinstitutionalisation is also monitored through the complaints related to the process — please refer to **Annex 2**.

Response to issues raised in paragraph 10 of the list of issues

31. The Ministry of Health reports that none of the cases of child mortality in the homes for medical and social care for children (HMSCC) can be attributed to the shift from institutional to other forms of residential care, neither to abuse nor neglect. The overwhelming number of children in HMSCC have extremely severe disabilities which reduces greatly their lifespan. No discrepancies have been found between a reported cause of death and the results of a subsequent autopsy. Even as the proportion of health-related cases among the residents of the HMSCC rose significantly — from 57 % in 2011, to 75 % in 2017 — the number of deaths in these facilities has dropped, both among children with disabilities and among their residents in general, to 39 in 2017, as compared to 47 in 2016, 55 in 2015, and 56 in 2014. Procedures to prevent violence, abuse and neglect are in force at every HMSCC, along with procedures on incident and death reporting and on control. The procedure requires that all relevant authorities — the Child Protection Unit of the Social Assistance Directorate, the Regional Health Inspectorate and the Ministry of Health — be notified immediately of such occurrences.

32. The office of the Ombudsman is also authorised to perform on-site inspections in such cases, as well as to monitor the follow-up by the competent institutions and the required observance of due process. Please refer to **Annex 3** and **Annex 4**.

Response to issues raised in paragraph 11 of the list of issues

33. The Council of Ministers approved a concept on the amendment of national legislation related to the built environment, in order to align it with the Convention's art. 9. The analysis of the national legislation includes suggestions for a number of measures to urgently create improved access to the urban built environment and public service facilities. The Ministry of Regional Development and Public Works (MRDPW) has commissioned an assessment of the impact of existing policies and legislation on an accessible architectural environment in existing buildings and facilities, including an evaluation of possible scenarios for supplementary or new appropriate policies and bodies in this process.

34. With regard to the measures to implement the provisions of art. 9 of the Convention in the field of tourism, accommodation facilities should provide, depending on their capacity, functional hotel and sanitary fixtures and equipment to facilitate to the maximum overcoming the architectural and social barriers in providing services to persons with reduced mobility. All accommodation facilities should have a general-purpose wheelchair and a dedicated facility for servicing persons with disabilities either as part of, or adjacent to, the reception desk, an approach or ramp for persons with reduced mobility and dedicated sanitary units.

35. In terms of public road transport for persons with disabilities, the country's bus terminals are divided into three categories. Category One terminals should have trained staff capable of providing free assistance to persons with disabilities at least to the extent defined in Annex I (a) to Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No. 2006/2004.

36. Every terminal must have a clearly-marked designated stopping and waiting area for vehicles delivering persons with disabilities to/from the terminal. Terminals must provide free access to the guide dogs accompanying disabled persons.

37. A draft ordinance under art. 24 (c) of the Road Transport Act is being prepared that is to lay down the conditions and procedures for the transport of persons with disabilities by special vehicles.

38. In 2017, the CPD launched a campaign for a built environment friendly to persons with disabilities, which will close only after all of its objectives have been achieved. The campaign envisages a systematic monitoring of all public buildings on the territory of Bulgaria and a watchdog commission which will levy sanctions on all inaccessible sites.

Response to issues raised in paragraph 12 of the list of issues

39. With regard to the requirements for services to passengers with reduced mobility, all international airports in the country are equipped with transfer and conveyance vehicles along with the necessary signboards and user instructions. The "Passenger Rights" page on the Civil Aviation Administration's website carries Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, and explanations on the procedure for lodging complaints, which is in line with ISO 9001/2008.

40. Tour operators and travel agents have an obligation to make all arrangements required under Regulation 1107/2006 and Regulation 1177/2010, failing which could be liable for damages to persons with reduced mobility.

Response to issues raised in paragraph 13 of the list of issues

41. Rail transport services for persons with disabilities are covered by a tripartite contract between Bulgarian State Railways EAD, the national railway infrastructure company and the Bulgarian Red Cross, under the 2015 Rules of Access to railways and services for persons with disabilities or persons with reduced mobility.

42. A new para. 3 has been added to art. 29 of Ordinance No. 43/02.06.2015 on the railway transportation of passengers, luggage and parcels, granting free passage on all trains to a guide dog or assistance dog accompanying a person with disabilities or reduced mobility.

43. In 2016, the Minister for Transport, Information Technology and Communications approved a national implementation plan pursuant to art. 8 of Commission Regulation (EU) No. 1300/2014 of 18 November 2014 on the technical specifications for interoperability which seeks to eliminate all identified barriers to accessibility through a coordinated effort to renew and modernise railway infrastructure subsystems and through the implementation of operational measures in order to ensure equal access for persons with disabilities to the rail system.

Response to issues raised in paragraph 14 of the list of issues

44. According to the Ministry of Health, investigations were carried out in 2016 following complaints from individuals, institutions and childcare organisations. On-the-spot inspections by committees of experts from regional health authorities failed to find any substance to such complaints.

45. The 12 investigations carried out in 2017 in state psychiatric hospitals following individual complaints of mental (and even physical) abuse by staff, improper detention and forced treatment of elderly persons were also found to have no substance.

Response to issues raised in paragraph 15 of the list of issues

46. The Ministry of Interior participated in "*Safequake*", a project designed to mitigate the post-quake behaviour of urban dwellers in areas with high seismic risk. Part of the project was a media campaign in Sofia to remind the citizens of the capital about the key rules of behaviour during and after an earthquake, with dedicated instructions targeted at persons with disabilities. A Strategy for Disaster Risk Reduction 2014–2020, is also being implemented.

Response to issues raised in paragraph 16 of the list of issues

47. A social evaluation was carried out in 2017 of seven persons with permanent disabilities who were granted humanitarian status or refugee status. A monthly benefit for social integration was granted under the rules for implementing the Integration of Persons with Disabilities Act. During the same period, one person with disabilities was granted targeted assistance for the construction, purchase and/or repair of technical aids, appliances, equipment and medical devices.

48. All foreigners granted long-term or permanent residence permits in the Republic of Bulgaria, or asylum, or refugee or humanitarian status, all foreigners enjoying temporary protection, and all persons enjoying protection under international treaties which the Republic of Bulgaria is party to, enjoy all rights under the Social Assistance Act and the regulations for its implementation. These include monthly social benefits; lump sums of aid to cover various incidental needs; special allowances for medical examination and treatment; and special heating allowances.

49. By virtue of the statutory equal right to social assistance, persons granted refugee or humanitarian status are given preferential access to the welfare benefits provided under the regulations .or the implementation of the Social Assistance Act.

Response to issues raised in paragraph 17 of the list of issues

50. The Ministry of Justice has drafted and tabled specific amendments to the legislation related to the implementation of art. 12 of CRPD.

51. The expert group mentioned in paragraph 65 of the Initial report drafted a Natural Persons and Support Measures Act. On 31.07.2015 the draft and the motives thereto were published on the official website of the Ministry of Justice, for the purposes of public discussion. Later, on 04.08.2016 the Act was submitted by the Council of Ministers to the 43rd National Assembly and was examined by the commissions to which it was distributed. Due to the termination of the powers of the 43rd National Assembly, the work on the draft law has been discontinued.

52. January 2016 saw the adoption of a number of amendments to the Social Assistance Act, prominent among which was the introduction of a period for accommodation, a new order for accommodation in specialised institutions and residential social services for fully or partially incapacitated persons. The amendments are fully in tune with the CRPD and are conducive to the implementation of the standards of art. 12 of the Convention.

Response to issues raised in paragraph 18 of the list of issues

53. The placement by a court of a fully incapacitated person in a specialized institution or under residential care in the community is regulated in Social Assistance Act articles 166,

16 (c) and 16 (d). This provides such persons with access to a court as a way of better ensuring their rights and preventing abuse by their guardians. Informing the beneficiaries of social services of their right to seek legal redress, to be heard by a court and to be party to a legal process is effected by the inclusion of a special clause in the social service agreement by the head of the local municipality, which is a party to that agreement, or by the local directorate of the Social Assistance Agency.

Response to issues raised in paragraph 19 of the list of issues

54. For the specified period, in the places of deprivation of liberty, there is one person with disabilities, who has served a sentence of imprisonment on the terms of the Specialized Hospital for Active Treatment of Inmates to Sofia Prison. He entered into prison in 2009 on the grounds of Art. 195 of the Penal Code (PC) (for misappropriation of chattels), Art. 330 (for threat of arson of personal car), Art. 196 (for misappropriation of another's chattels), Art. 216 and 325 (for unlawful destruction of another's chattels), Art. 144 and 325 (for a threat of murder of an employee of the Ministry of Interior), Art. 244, par. 1 (to put in circulation counterfeited currencies). He was released in 2017. The person has a heavy spinal cerebral trauma and subsequent immobility of the lower limbs. During the execution of the sentence he was lodged in the hospital of the prison in a renovated room with a proper sanitary knot, permanently running hot and cold water. There are anti-decubitus mattresses and anti-decubitus pillows provided. An assistant is being nominated, who looks after the persons, including for medical activities, along with a specialized staff. A metal loading platform is available for moving the wheel-chair with the necessary slope, accessible surface for its full rotation and moving, as well as a movable wooden loading platform for access to the external staircase. There is a living architectural environment, which allows moving to the common premises, equal treatment with the other inmates and possibilities to participate in the social life of the prison community.

Response to issues raised in paragraph 20 of the list of issues

55. The inmates with mental disorders, who need hospital treatment, are lodged in the Specialized Hospital for Active Treatment of Inmates to Lovech Prison. If there is a doubt for mental disorder, leading to insanity, the psychiatrist, through the prison governor, prepares a proposal for appointment of a forensic psychiatric expertise to the relevant prosecutor. If an illness is found, an interruption of the execution of sentence or a change of the measure of detention "remand in custody" is possible and the accommodation for treatment in a specialized psychiatric institution is organized.

56. For the period after the middle of 2015 until now, there are no inmates with disabilities, lodged in the psychiatric ward of the Specialized Hospital for Active Treatment of Inmates to Lovech Prison. General Directorate "Execution of Sentences" takes care and efforts for non-admission and placement of persons in unfavourable conditions, which may lead to cruel, inhuman or humiliating relation, during the serving of the sentence "imprisonment" or "remand in custody". In this connection, the activities are directed to ensure enough living space, food, clothing, heating, lighting, ventilation, medical service, conditions for movement activity and communication, restriction of unwarranted use of subsidiary means and etc., including for persons with disabilities. When establishing inmates with high degree of public danger, including vulnerable people and people with mental disorders, the prison governor may designate special premises, regarding their safety, the safety of the other inmates and the employees'.

57. Inmates of the Lovech Penitentiary who are diagnosed with mental disorders receive treatment from a psychiatrist from the local specialized hospital for active treatment, who also has a say in determining the conditions of their detention. From 2015 onwards, persons with disabilities have been accommodated in psychiatric clinics on the recommendation of a specialist.

Response to issues raised in paragraph 21 of the list of issues

58. Under the provisions of the Social Assistance Act and the regulations for its implementation, women victims of violence can get support from the Social Services' Crisis Management Centre. The Centre offers for a period of up to six months to children

and adult victims of violence, human trafficking or other forms of exploitation, social service packages in the form of individual support, daily help, legal counselling and, whenever urgency dictates, socio-psychological assistance through its mobile crisis-management teams.

59. In addition to these crisis management centres, whose main focus in on the emergency assistance to victims with temporary lodging until the threat is eliminated, women with mental disabilities and/or disorders, who are victims of gender-based violence, are also eligible to other community services intended for the disabled.

60. The state has delegated the work with adult and child victims of violence to the following functioning facilities:

- 18 crisis management centres having a total capacity for dealing with 196 children at a time;
- 5 crisis management centres having a total capacity for dealing with 54 adults at a time.

61. The state, working in partnership with various NGOs, places the emphasis on the prevention and protection from domestic violence by all available legal means. The rights of the victims of domestic violence, the protective measures and the manner in which they are imposed are governed by the Protection from Domestic Violence Act. Under that law, the local crisis management centre can shelter a victim of domestic violence or human trafficking immediately, while the local Social Assistance Directorate prepares its welfare report concerning the victim's needs. Shelter is also extended to any child or ward accompanying the victim.

62. Should the victim of domestic violence or trafficking in human beings be a pregnant female or the mother of a child aged three or less, and should there be a risk that she may abandon her child, she is accommodated immediately together with the child at the crisis management centre or in a child abandonment-prevention unit. Also accommodated on the same premises is any child above the age of three who may also be accompanying her.

63. Consultations and care in the community for such victims are provided by a network of public support centres, which cover a major portion of the country's territory, and by social rehabilitation and integration centres, which are funded annually from the government's budget.

Response to issues raised in paragraph 22 of the list of issues

64. The measures to implement the first stage of the deinstitutionalisation process for the elderly and the disabled are set out in the action plan for the implementation of the National Long-term Care Strategy. According to that strategy, the transition process from institutional care to care in the community should be completed by 2034.

65. Targeted by the Strategy are adults with psychiatric disorders, adults with mental retardation and multiple disabilities, adults with different forms of dementia, adults with different forms of disability, the elderly, and adults incapable of caring for themselves.

66. The first group of measures includes activities to create new resident social services in the community, to bring individuals out of the specialised institutions and to close down the so-called "homes". Resident care in the community will be for individuals from homes which do not offer good living conditions and quality care.

67. The second group of action-plan measures is focused on the development of support services in the community and in the household. Services within the household will be of two types — social (personal assistant, social assistant and domestic assistant) and medico-social (patronage care for persons with disabilities and the elderly), alongside three main forms of support services within the community — day-care centres for persons with disabilities, day-care centres for persons with different forms of dementia, and centres for the social rehabilitation and integration of persons with psychological disorders and mental retardation. Actions will also be taken to boost the employment of people with psychological disorders and mental retardation, and towards the development of social enterprises.

68. Measures are envisaged to ensure the hiring of unemployed persons mainly in one of the three positions of "personal assistant", "social assistant" or "tutorial assistant", i.e., in activities related to the improvement of the quality of life of people with permanent disabilities or severely ill people who are living on their own.

69. The National Long-term Care Strategy adopted in 2014 is aimed at the creation of conditions which would allow the elderly and persons with disabilities to lead an independent and dignified life by granting them improved access to better social services, extending the territorial coverage of these services, deinstitutionalisation, and an increasing interaction between social and medical services.

70. The emphasis is on deinstitutionalising the care for the disabled and the elderly, the development of services in the household, and the support for families with additional care for dependent family members.

71. In 2018, an action plan was adopted for the Strategy's implementation between 2018 and 2021, along with a map of social services in support of care in the community and a map of resident-type services. The maps cover the municipalities in which new social services will be created through EU financing for the construction, maintenance, furnishing and/or equipment, together with the expected cost of these activities. Please refer to **Annex 5**.

Response to issues raised in paragraph 23 of the list of issues

72. The 2018–2021 Action plan for implementation of the National Long-Term Care Strategy is intended to ensure the sustainability of all services through funding from the state budget once project financing is over. The state budget already contains allocations for hospice-type social services (personal assistants, social assistants and domestic assistants) after the expiry of the EU funding period under the Operational Programme Human Resources Development 2014–2020. The State budget allocations will also ensure the sustainability of the process of childcare deinstitutionalization.

73. The government has approved an additional financial resource of up to BGN 15.7 million towards maintaining the social services of personal assistants, social assistants and domestic assistants. (Please refer to **Annex 6**).

74. To sustain the continuation of these social services, BGN 68.4 million were provided to the MLSP under the 2018 budget to finance the services of nearly 16,600 part-time personal assistants, social assistants and domestic assistants in aid of more than 23,400 persons with disabilities and persons above the age of 65 who are in need of assisted care. (Please refer to **Annex 7**).

Response to issues raised in paragraph 24 of the list of issues

75. By virtue of the law on their integration, persons with disabilities are entitled to targeted aid for technical aids, appliances, equipment and medical devices (TAAEMD). In response to requests from persons with disabilities, the mechanism for providing targeted aid for TAAEMD has been streamlined to speed up the provision of mobility equipment. Three new types of medical devices have been included in the list of TAAEMD eligible for targeted assistance from the state: verticalisers, ring wheelchairs and wheelchairs for children with disabilities.

76. The 2017 budget included BGN 46 million for technical aids, appliances, equipment and medical devices. As of 31.12.2017, actual payments for TAAEMD amounted to BGN 52,346,150 (114 per cent of the allocation) to a monthly average of 10,476 disabled persons.

Response to issues raised in paragraph 25 of the list of issues

77. The Council for Electronic Media (CEM) supervises regularly the degree to which national public broadcasters BNT and BNR comply with the standard requirements. The Bulgarian National Television (BNT) has started to implement the requirement to provide access for persons with sensory impairments, which is part of the broadcaster's television license.

78. The CEM has advised that the stipulations of the Convention's art. 21 should be met by providing persons with disabilities broadcasts in suitable accessibility formats.

79. After May 2017, BNT started to implement in part its obligation to provide access to persons with visual and hearing impairments to news content like the main evening news report, the morning show, and the late night news, which feature scrolling news-item summaries.

80. The Bulgarian National Radio's internet radio Binar has become a pioneer in the integrated use of Adys, a special Cyrillic font designed to help dyslexics use the entire content of the site.

Response to issues raised in paragraph 26 of the list of issues

81. Existing regulations concerning teaching to early-childhood and school students with impaired hearing allow the use of sign language in kindergartens and schools as a communication aid, but there is still no linguistic model or methodology to educate children and school students with impaired hearing in its use.

82. In line with the strategic objective to introduce sign language, which is embedded in the 2015–2020 Action Plan for the implementation of the CRPD, the foundation Deaf Unlimited Bulgaria carried out a public contract entitled *Nationwide Research into the Bulgarian Sign Language* under Project "Support for Equal Access and Personal Development", which, as part of the Operational Programme Science and Education for Smart Growth 2014–2020, was co-financed by the EU through the European Social Fund. The study provides a basis for granting official recognition to the Bulgarian sign language, for the wide acceptance of conventional signs, the expansion of its grammatical structure and the development of methodological tools for its teaching and use in various spheres and activities.

83. Meanwhile, a working group set up by the public advisory body, which is part of the parliamentary committee on interaction with NGOs and dealing with citizens' complaints, has been tasked with the drafting of a bill on the Bulgarian sign language. The passage of such a bill would then facilitate the adoption of the regulations through which sign language would participate on an equal footing in all spheres of public life.

84. Both the Ordinance on Inclusive Education and the Ordinance on Evaluating Student Performance require that Braille be used in teaching to visually impaired students, both in mainstream and in the special schools for visually impaired students. Visually impaired students are also provided with materials in Braille for the purposes of their national external assessment and when sitting for their matriculation exams.

Response to issues raised in paragraph 27 of the list of issues

85. The Ministry of Education and Science (MES) is implementing the project "Support for Equal Access and Personal Development" under the procedure "Providing conditions and resources for the creation and development of a supportive environment in the kindergartens and schools which provide inclusive education, Phase One" under Operational Programme "Science and Education for Smart Growth". The following activities have been implemented as part of the project: "*Introduction of the pilot model for early assessment of the educational needs of preschool children and for the prevention and early intervention in their learning disabilities*"; "*Providing conditions and resources to upgrade and develop a supportive environment in kindergartens and schools for the implementation of inclusive education*"; "*Development and validation of the functional model to support the process of inclusive education through participation and use of the capacity of special schools for students with sensory impairments and mental retardation*"; "*Introduction of sign language in order to improve access to information and communication for early-childhood and school students with hearing impairments*"; and "*Implementing the new model of organisation and functioning of schools for mentally challenged children*" (See **Annex 8**).

Response to issues raised in paragraph 28 of the list of issues

86. With the coming into force of the Early-Childhood and School Education Act, inclusive education became a national priority. The Ordinance on Inclusive Education has provided the legal guarantee that the education system is reorienting itself towards the individual needs of kindergartners and schoolchildren and is seeking to provide all conditions and resources conducive to the emergence of a supportive environment in kindergartens and schools; the resulting major social and economic impact is expected to exercise a beneficial effect on all vulnerable groups, including kindergartners and schoolchildren with special educational needs.

Response to issues raised in paragraph 29 of the list of issues

87. The MES has taken a series of actions to streamline the norms which regulate the conditions and the order in which additional support is made available for the personal development of children and students with special educational needs and the ways in which it is being provided. MES implements an active policy on its own or through regional centres for the promotion of inclusive education and through its regional departments of education, seeking to raise awareness and to ensure access to quality inclusive education for all children and students with special educational needs.

88. Under the law, it is mandatory for kindergartens and schools to enrol children and students with special educational needs (SEN). Kindergartners and schoolchildren with SEN are also provided additional support to their personal development.

89. The CPD has been entrusted with essential powers in education, as a field of fundamental importance to the full-fledged participation and integration of persons with disabilities. The commission's regional representatives play a key role in raising public awareness on issues of discrimination, and on the need for children with disabilities to have access to the mainstream educational system. The enlightenment activity concerning the right to equal treatment, the universal prohibition of discrimination and the possibilities for legal recourse is part of the functions that the commission's regional representatives perform under the tasks delegated to them by the state on matters of equality. The regional representatives also assist the commission in organising and informing the local populace about forthcoming events, seminars and other forms of public dialogue (refer to **Annex 9**).

Response to issues raised in paragraph 30 of the list of issues

90. The implementation of the planned measures and policies towards persons with disabilities, such as the 2014–2020 National Health Strategy, the Bulgaria 2020 Programme for National Development, and the National Reform Programme is ongoing. As part of these measures and with the creation of a new type of medical establishment — a centre providing comprehensive services to children with disabilities and chronic diseases — subsequent to the 2015 amendments to the Medical Institutions Act, work has begun on the creation of a relevant regulatory base. The rules concerning the structure, activities and internal organisation of these centres were approved in 2016 and established these centres as facilities intended to provide "under one roof" a complex of medical services, including support to the families of children with disabilities and chronic diseases in early diagnosis, diagnosis, treatment and medical and psycho-social rehabilitation; long-term treatment and rehabilitation; training of parents; arranging visits by medical specialists to provide specific care for children with disabilities and severe chronic diseases in their home or in hospices; the provision of specialised palliative care for children.

Response to issues raised in paragraph 31 of the list of issues

91. Between 01.06.2014 and 31.05.2015, as part of the EU Progress Programme, the MLSP carried out project JUST/2013/PROG/AG/4955/AD, "A right is not what someone gives you; it's what no one can take from you". This resulted in the publication of a handbook of good practices in the implementation of the CRPD, with special emphasis on articles 1, 2, 19 and 27; concepts of amendments to the regulatory framework pertaining to the implementation of the Convention's articles 1, 2, 19 and 27; a communication strategy towards changing public attitudes towards persons with disabilities. A national round table

and a meeting of the 30-member National Council for the Integration of Persons with Disabilities was also held, with three regional round tables with the participation of a total of 90 experts on the integration of persons with disabilities, and four workshops attended by a total of 120 experts.

92. The Centre for Human Resources Development and a number of regional initiatives have been organising workshops for social workers and other professionals working with persons with disabilities, to familiarise them with national and international commitments and measures towards the implementation of the UN Convention on the Rights of Persons with Disabilities.

Response to issues raised in paragraph 32 of the list of issues

93. The Law on Health Care defines health as a state-guaranteed national priority which includes extended care for children, pregnant women, mothers of infants, and persons with physical disabilities and psychological disorders. Under the Medical Insurance Act, every Bulgarian citizen has the obligation to pay health contributions, except for certain groups who are insured by the state. These include war invalids, war veterans and victims of war; natural-calamity and industrial-accident invalids; members of the services injured in the line of duty; parents, foster-parents, spouses or the mother or father of a parent caring for a disabled person in constant need of assistance and a capabilities loss in excess of 90 per cent; residents of specialised social services institutions; refugee-status or asylum seekers, etc.

94. In order to address inequalities and to provide basic medical care for the population in small communities and inaccessible regions, between 2015 and 2017 certain important medical activities continued to be financed in accordance with the subsidised-hospital methodology. The Ministry of Health released a subsidy for activities outside the scope of compulsory health insurance to municipal hospitals located in inaccessible and remote areas of the country. These funds are intended for maintaining the capacity of the medical institutions in question and for the provision of diagnostics and treatment of patients, including long-term treatment of cardiovascular, neurological and pulmonary disorders.

95. In all 28 regions of the country, elderly people with chronic diseases and permanent disabilities will continue to enjoy specialised patronage care in their homes, including combined medical-cum-social services and household aid.

Response to issues raised in paragraph 33 of the list of issues

96. One of the activities assigned to the Ombudsman is "Tracking the Patient, Part 2", a mission to monitor accessibility to specialised rehabilitation hospitals, their current state and the medical services they offer.

Response to issues raised in paragraph 34 of the list of issues

97. According to the Integration of Persons with Disabilities Act, at least half of the employees in the jobs listed in Art. 315 (1) of the Labour Code should be persons with permanent disabilities. Their employers must keep the local employment agency updated and announce any vacancy within 14 days of its opening.

98. According to the requirements of the Labour Code, employers of more than 50 employees are to allot annually four to 10 % of all jobs (depending on the business sector involved) to employees with reduced capabilities, out of which at least half should go to persons with permanent disabilities. The Civil Service Act prohibits any disability-related discrimination, privilege or restriction in the hiring of government employees, for whom art. 9a establishes special quotas: not fewer than two employees in an administrative office with 50 or more employees, and at least one in an office with staff numbering between 26 and 50. Candidates are accepted based on special interviews to which only persons with disabilities are admitted and the accessibility requirements are met with respect to all.

99. In 2017, the Chief Labour Inspectorate supervised compliance with the legal requirements laid down in the Labour Code, the Civil Service Act and the Integration of Persons with Disabilities Act.

100. The Labour Inspection is keeping permanent control of the implementation of employment quota for persons with disabilities and give the employers requirements.

Response to issues raised in paragraph 35 of the list of issues

101. Pursuant to art. 25 of the Integration of Persons with Disabilities Act, employers and appointing agencies are eligible to seek funding from the APD for projects designed to provide access to the workplace to an employee with a permanent disability, or to adapt a workplace to the needs of an employee with a permanent disability; or to equip a workplace for a person with a permanent disability.

102. In terms of projects to provide an accessible environment, the APD has so far financed 12 contracts worth a total of BGN 401,150, including BGN 281,378 accounted for and BGN 119,772 transferred to budget-financed and municipal enterprises. One of the specific objectives of the Operational Programme Human Resources Development is to tackle unemployment among vulnerable groups in the labour market — unemployed and inactive persons removed at a distance from the labour market, including long-term unemployed, persons with low levels of education, persons over 54, and persons with disabilities. A number of employment-related operations placed special focus on the integration of persons with disabilities into the labour market.

103. Part of the target group of Operation New Workplace, which has a budget of BGN 125 million, are unemployed or inactive persons with disabilities who could be employed in suitably adapted and equipped workplaces as a way of boosting employment.

104. Another operation, seeking to encourage social entrepreneurship, promises support to social enterprises, specialised enterprises and cooperatives in the employment and occupational adaptation of persons with disabilities.

105. Within the framework of the regular session in May of the OPHRD Monitoring Committee, new components will be launched as part of ongoing employment agency projects "Training and employment of young persons" and "Trainings and employment". The aim is to provide opportunities for employment and for the acquisition of skills and knowledge to enable inactive and unemployed persons with permanent disabilities to overcome the difficulties of joining the labour market and economic life. Some 1,200 individuals are expected to join the new components of the two projects.

Response to issues raised in paragraph 36 of the list of issues

106. Under the Integration of Persons with Disabilities Act, persons with permanent disabilities are entitled to the socio-economic protection due to their individual needs, the degree of reduced working capability, or the type and extent of the disability. Socio-economic protection includes monthly supplements for social integration, targeted benefits and other facilities under the Corporate Tax Act, the Personal Income Taxation Act and others.

107. The National Social Security Institute reported that despite the economic crisis between 2009 and 2012, payments of all kinds of disability benefits by the government rose in absolute figures, even as they continued to account for 19 to 20 per cent of the overall spending on pensions in general, or 1.8 to 1.9 per cent of the GDP. In other words, the economic crisis and the accompanying austerity measures did not exert any downward push on public spending on disability pensions.

108. The increase in the cost of disability pensions was mostly due to a rise in the number of beneficiaries, rather than to any significant growth of the benefits themselves. During the period under review, the number of disability pension recipients grew from just under 486,000 in 2009 to a little over 503,000 in 2012. Meanwhile, there was no significant indexation during the period of the average sums paid for work disabilities, such as disabilities due to general sick pay, or to incapacitation due to an industrial accident or an occupational disease. Any rise in the average size of benefits was, if anything, due to the higher level of newly-granted benefits. As a result of the lack of indexation to pensions throughout the economic crisis, the minimal pensions for incapacitation remained unchanged between 01.07.2009 and 31.05.2012. As a rule, the minimal incapacitation

pension is calculated as a percentage of the minimal monthly old-age retirement pension, which came to BGN 136.08 on 01.07.2009, and on 01.07.2012 was increased to BGN 145.00. The non-incapacitation-related monthly pension is calculated as a percentage of the minimal monthly old-age pension, which the government did not change from its 01.07.2009 level of BGN 100.86 until 01.04.2013, when it raised it to BGN 110.

109. The Family Allowances for Children Act saw the addition as of 01.01.2017 of a new paragraph to art. 8, which introduced a monthly allowance for raising a child with a permanent disability, i.e., a child below the age of 20 whose disability or permanent incapacitation is 50 per cent or more.

Response to issues raised in paragraph 37 of the list of issues

110. Persons with disabilities are considered a high-risk group within the support programmes launched under the Social Assistance Act:

- The eligibility threshold for monthly social benefits was raised and should result in easier access and higher benefits;
- The eligibility threshold for monthly heating aid was raised and should result in easier access.

111. Access has been facilitated to monthly benefits and heating aid in terms of residential floor space and registration with the local employment bureau as applicable to persons with a permanently reduced working capacity of 50 or more per cent, and the requirement that they be engaged in community work for four hours daily in the course of 14 days per month.

112. Heating aid during the cold season of 2017/2018 was extended to a total of 47,044 persons and families with disabilities, and monthly benefits were paid out in 2017 to 3,826 persons with disabilities.

Response to issues raised in paragraph 38 of the list of issues

113. The 2017 budget had earmarked funding amounting to BGN 139,000,000 for monthly integration supplements under the Integration of Persons with Disabilities programme. The actual payments, to 500,016 persons with disabilities, including 10,476 children, came to BGN 131,574,548 (approx. 95 per cent of the budget provision).

114. Payments in 2017 for technical aids, appliances, equipment and medical devices were made available to an average of 10,476 persons per month and totalled BGN 52,346,150, or 114 per cent above the yearly budget allocation of BGN 46,000,000.

115. The National Social Security Institute reported that, pursuant to art. 103 of the Code on Social Security, it paid out BGN 92.1 million in the form of 81,012 supplements for personal assistants, each supplement amounting to 75 per cent of the social old-age pension.

Response to issues raised in paragraph 39 of the list of issues

116. Further to what has been already explained in paragraph 17, due to the termination of the powers of the 43rd National Assembly, no progress was made with regard to legislative reforms aimed at implementing supported decision-making measures, enabling persons with disabilities, especially persons with intellectual and/or psychosocial disabilities, to vote.

117. In addition to that, the Central Electoral Commission conducts a special campaign among persons with visual or mobility disabilities, using leaflets, video and audio clips on the national television and radio services, and explanations on the CEC website and Facebook pages, to inculcate them as to their voting rights, as enshrined in the Elections Code, and how they can be exercised.

118. In the most recent national elections, the CEM requested that, when presenting election-campaign developments, all media service providers should allot special attention to persons with auditory and visual impairments. In the same vein, the BNT provided sign-

language translation in most densely populated regions for practically all presidential-candidate debates.

Response to issues raised in paragraph 40 of the list of issues

119. The Marrakesh Treaty was provisionally signed by the EU on 30 April 2014, and was approved by Council Decision (EU) 2018/254 of 15 February 2018. In order to meet the EU obligations under the treaty, on 13 September 2017 the European Parliament and of the Council adopted Regulation (EU) 2017/1563 and Directive (EU) 2017/1564. Currently, the regulation applies to the rules under which the EU and third countries exchange copies in formats accessible to persons with disabilities. The regulation is binding on the Member States of the EU and will come into force after the deadline, 12 October 2018, when it will begin to apply directly, by which time the directive will also have been transposed into national law by a Bill to Amend the Copyright and Related Rights Act.

120. As part of the ongoing effort to provide an accessible architectural environment, repairs and reconstruction were carried out in 2015–2017 with national and European funding in a number of art schools.

121. According to the Cultural Heritage Act, museums and art galleries in the country set aside visiting days and hours for different categories of visitors, during which persons with disabilities either pay reduced entrance fees or enjoy free admission.

122. Within its competence, the Ministry of Youth and Sports has undertaken appropriate measures to encourage and support the participation of persons with disabilities in mainstream sporting activities at all levels.

123. The information card, designed in 2016 to reflect the current status and activities of each community centre in general, and in relation to persons with disabilities in particular, was introduced in the first half of 2017 as a precondition for community centres and their agglomerations to gain registration in their national register, which would allow them to operate as public entities and provide, among other things, full-fledged access to cultural life for persons with disabilities.

124. Under the programmes of the Ministry of Culture for financing creative projects in the field of publishing and amateur art, the Louis Braille National Community Centre received in 2015 a BGN 5,000 grant to publish books in Braille; another grant went to the National Association of Blind and Deaf Persons to fund its national festival of blind-and-deaf amateur arts. Institutional support was also rendered to Foundation Start, to be granted use of the Plovdiv Open Air Theatre as home of the eighth edition of "Supremacy of the Spirit", a festival featuring musical performances by persons with disabilities.

C. Specific obligations

Response to issues raised in paragraph 41 of the list of issues

125. The availability of reliable statistical data at national level largely depends on commonly accepted definitions, concepts, standards and methodologies for the production of statistics which identify persons with and without disabilities at EU level. Eurostat and national statistics work actively to provide harmonised statistics for persons with disabilities in different areas of social life. Eurostat disseminates harmonised data for all Member States, such as: EU Statistics on Income and Living Conditions (EU-SILC), the European Health and Social Integration Survey (EHSIS), the Labour Force Survey (LFS), and the European Health Interview Survey (EHIS). All these surveys use unified methodologies, harmonised definitions and standardised toolkits. All, except the Health and Social Integration Survey, are conducted under European regulations, which guarantees the quality of their information.

126. In addition to these surveys, the National Institute of Statistics is in a position to provide data on the number of persons with recognised permanent incapacitation or degree of disability, based on the 01.02.2011 population census, http://www.nsi.bg/bg/node/3295/. It should be taken into account that under national law, respondents in the census poll had

the option of declining to answer the questions. The response rate came to 70.6 per cent from adults aged 16 years or older, and 55.1 per cent from children below the age of 16. Additional statistics are also available, outside what has been published in the press. The categorisations used for the census were all in accordance with national law.

127. The harmonised questionnaire used in the EHIS utilised some, but not all, questions from the Washington group, as that would have extended the interview beyond the duration approved by Regulation (EC) 1338/2008, and its bulk might have even scared away some respondents, thus increasing the percentage of non-response.

128. The Social Assistance Agency maintains a database that incorporates an information array concerning the funding of activities in various sectors under the policy of social protection, social inclusion and social assistance. An integrated information system has been maintained by the administration of the Agency since 2015 and is a centralized, web-based information system with a single database and three functionally separate modules.

129. The information database for people with permanent disabilities maintained by the Social Assistance Agency pursuant to art. 9 of the Integration of Persons with Disabilities Act is used for the management of the overall process of implementation of the State's policy for working with persons with disabilities in Bulgaria.

130. The information database for persons with disabilities provides the necessary data to identify the individual who make up the category of persons with disabilities: to ascertain their number as per the main indicators of the demographic structure; to categorize them by gender, age, qualifications and education, type and degree of disability; to keep track of their change of address so as to ensure that their due payments — pensions, cash benefits, tax benefits, etc. — are actually reaching them.

Response to issues raised in paragraph 42 of the list of issues

131. Bulgaria chairs in 2017–2018 the Conference of the States Parties to the CRPD. Its 10th Session in June 2017 was deemed very successful. The Conference charted the path for a more inclusive implementation of the Convention during the coming period, with a more active and effective involvement both by individuals with disabilities and by their representative organisations, and their inclusion in all processes related to the Convention's implementation. The conference was described by many countries, the Office of the High Commissioner for Human Rights, civil society and other actors as the most successful to date in terms of wide representation and inclusiveness.

132. Questions relating to the implementation of CRPD are included in a number of bilateral cooperation programmes with EU Member States and other countries, and work visits and exchange of information have been carried out.

133. Bulgaria is represented on numerous international forums within the European Union, the Council of Europe, ASEM, the United Nations, etc., and the protection of the rights of persons with disabilities is among the priorities of the Bulgarian Presidency of the Council of European Union.

Response to issues raised in paragraph 43 of the list of issues

134. With the latest amendments to the rules of procedure of the MLSP, the Directorate of Policy on Persons with Disabilities, Equal Opportunities and Social Welfare was designated as the contact point for the Republic of Bulgaria under the CRPD. All currently available resources are being utilised.

135. The ongoing drafting of amendments to the Integration of Persons with Disabilities Act is intended to incorporate specific provisions pertaining to the structure, functions and mechanisms of the framework under art. 33 of the Convention.